

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

MICHAEL HOLLINS

PLAINTIFF

VS.

CAUSE NO. 3:16-CV-023-MPM-JMV

CITY OF SENATOBIA, CHIEF STEVE HOLTZ, IN HIS
OFFICIAL CAPACITY, OFFICER JOHN GRACE, IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY, OFFICER RODNEY
BROWN, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY,
OFFICER JAMES MCDONALD, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITY, AND LIEUTENANT "JOE" BARROW,
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANTS

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS'
RENEWED MOTION TO STAY PROCEEDINGS**

COMES NOW Plaintiff Michael Hollins (hereinafter Plaintiff), by and through his attorney of record, and file this, his PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' RENEWED MOTION TO STAY PROCEEDINGS, and would show unto the Court, the following:

1. This matter arises out of an incident that occurred on or about March 7, 2015, wherein Plaintiff suffered physical injuries as a result of Defendants negligently attacking and injuring Plaintiff.
2. Defendants have now filed a Renewed Motion to Stay Proceedings, pending the resolution of criminal charges brought against Plaintiff.
3. Defendants allege that it would be in the interest of judicial economy to stay the instant litigation, pending a final judgment in the aforementioned criminal matter. However, the instant matter encompasses issues not present in the parallel state action.

4. In order for Plaintiff to fully demonstrate that Defendants acted with reckless disregard, discovery is prudent.
5. Furthermore, Defendants have failed to demonstrate an exceptional circumstance, warranting a stay of the instant proceeding, as required by law. According to *United States v. Kordel*, 397 U.S. 1 (1970), District Courts should only stay the civil action only when there is a showing of “special circumstances” and the need to avoid substantial and irreparable prejudice.
6. Defendants’ allegations are to delay any findings of negligence on their behalf towards Plaintiff.
7. Given the nature of this Motion, Plaintiff requests that any requirement of a separate memorandum in opposition be waived.
8. Based upon the foregoing, Defendants’ motion must be denied.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Honorable Court will deny Defendants’ Renewed Motion to Stay Proceedings, based upon the reasons, logic, and legal analysis set forth. Plaintiff also prays for all other general relief this Court deems to be fair and just.

Respectfully submitted, this the 4th day of October, 2016.

Michael Hollins, Plaintiff

BY: s/ Carlos E. Moore
Carlos E. Moore, MSB# 100685

OF COUNSEL:

MOORE LAW GROUP, P.C.

306 Branscome Drive
P. O. Box 1487
Grenada, MS 38902-1487
662-227-9940 – phone
662-227-9941 – fax

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this date served via the electronic filing system and/or mailed via, U. S. Mail, postage pre-paid, a true and correct copy of the above and foregoing to the following:

Mary McKay Lasker, Esq.
JACKS GRIFFITH LUCIANO, P.A.
150 North Sharpe Avenue
P. O. Box 1209
Cleveland, MS 38732

David M. Slocum, Jr., Esq.
SLOCUM LAW FIRM, PLLC
329 W. Tate Street
P. O. Box 249
Senatobia, MS 38668-2636

THIS, the 4th day of October, 2016.

s/ Carlos E. Moore
CARLOS E. MOORE, ESQ.